

RULEMAKING NOTICE FORM

Notice Number _____

Rule Number _____

**Env-A 502.01(a), 504.01, 505.01(u) –
(cr)**

<p>1. Agency Name & Address:</p> <p>Dept. of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095</p>	<table style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%;">2. RSA Authority:</td><td style="border-bottom: 1px solid black;">RSA 125-C:4,I(a)</td></tr><tr><td>3. Federal Authority:</td><td style="border-bottom: 1px solid black;">42 U.S.C. §§7411(c), 7412(l)</td></tr><tr><td>4. Type of Action:</td><td></td></tr><tr><td style="padding-left: 20px;">Adoption</td><td style="border-bottom: 1px solid black;"></td></tr><tr><td style="padding-left: 20px;">Amendment</td><td style="border-bottom: 1px solid black; text-align: center;">x</td></tr><tr><td style="padding-left: 20px;">Repeal</td><td style="border-bottom: 1px solid black;"></td></tr><tr><td style="padding-left: 20px;">Readoption</td><td style="border-bottom: 1px solid black;"></td></tr><tr><td style="padding-left: 20px;">Readoption w/amendment</td><td style="border-bottom: 1px solid black; text-align: center;">x</td></tr></table>	2. RSA Authority:	RSA 125-C:4,I(a)	3. Federal Authority:	42 U.S.C. §§7411(c), 7412(l)	4. Type of Action:		Adoption		Amendment	x	Repeal		Readoption		Readoption w/amendment	x
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5. Short Title: **FEDERAL STANDARDS UPDATE FOR AIR POLLUTION CONTROL**

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

The existing rule incorporates by reference federal new source performance standards (NSPS) and national emission standards for hazardous air pollutants (NESHAP), which the Department is authorized to implement and enforce through a delegation agreement with the U.S. Environmental Protection Agency (EPA). Each year, the Department incorporates the new standards and amendments of existing standards that EPA promulgated in the last year. From July 1, 2003 to July 1, 2004, EPA promulgated one new NESHAP under 40 CFR 61 and 15 new NESHAP under 40 CFR 63. The proposed amendments incorporate by reference these new standards and change the edition of the Code of Federal Regulations referenced in the rule from July 1, 2003, to July 1, 2004. In addition, a NESHAP promulgated by EPA in 1994, Subpart EE – Magnetic Tape Manufacturing Operations, which was inadvertently omitted in a prior rulemaking, has been added.

6. (b) Brief description of the groups affected:

Sources in New Hampshire belong to six of the 17 manufacturing or production groups affected by the new federal standards incorporated by reference in Env-A 504.01 and 505.01. Those groups are organic liquid distribution, surface coating of miscellaneous metal parts and products, surface coating of plastic parts and products, combustion gas turbines, reciprocating internal combustion engines, and miscellaneous coating manufacturing.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Provision of the Rule	Specific Section of State or Federal Statute or Regulation which the Rule Is Intended to Implement
Env-A 502.01(a)	RSA 125-C:4, I(a); 42 U.S.C. §7411(c); 40 CFR 60; 42 U.S.C. §7412(l); 40 CFR 61; 40 CFR 63
Env-A 504.01	RSA 125-C:4, I(a); 42 U.S.C. §7412(l); 40 CFR 61
Env-A 505.01 intro, (u) – (cr)	RSA 125-C:4, I(a); 42 U.S.C. §7412(l); 40 CFR 63

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name:	Barbara Hoffman	Title:	SSMB Planning Manager
Address:	Dept. of Environmental Services P.O. Box 95 Concord, NH 03302-0095	Phone #:	(603)271-7874
		Fax#:	(603)271-7053
		E-mail:	bhoffman@des.state.nh.us
		TTY/TDD Access:	Relay NH 1-800-735-2964 or dial 711 (in NH)

The proposed rules can be viewed and downloaded at
<http://www.des.state.nh.us/ard/prpsdrul.htm>

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified:

☒ Fax
 ☒ E-mail
 ☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: November 8, 2004, at 9:30 a.m.

Place: 29 Hazen Drive, Concord, NH Room 114

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 04:177 , dated Sept. 13, 2004

See Attached.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed amendments update federal NSPS and NESHAP standards. DES is not aware of any political subdivision that would be subject to these standards. Accordingly, the proposed amendments do not violate Part I, Article 28-a of the New Hampshire Constitution, because they do not assign any new, modified, or expanded programs or responsibilities to political subdivisions of the state in such a way as to increase local expenditures.